



# Drug, Alcohol & Substance Misuse Policy September 2018

*Office use*

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<b>Associated documents:</b>			
<ul style="list-style-type: none"><li>DALP Capability, Sickness Absence Management and Disciplinary Policy/Procedure</li><li>General Principles and Practices of Employment</li></ul>			
<b>Links to:</b>			

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## **1. Introduction**

- 1.1 Diverse Academies Learning Partnership (DALP) recognises that drug, alcohol and substance misuse are growing social and medical problems. It also recognises that an employee with such problems needs help and support from their employer.
- 1.2 DALP also recognises that drug, alcohol and substance misuse can lead to misconduct, accidents at work, reduced efficiency, poor decision making and lost productivity. DALP has a responsibility to its employees, students, parents, carers and visitors to ensure that this risk is minimised. In order to address these issues DALP is committed to offering support to employees experiencing difficulties related to alcohol or drug use.
- 1.3 This policy relates to instances where individuals have become dependent upon alcohol, drugs or substances. It does not apply to isolated instances of misconduct caused by the effects of excessive alcohol or drugs. In this instance, misconduct will be dealt with under the Disciplinary Policy.

## **2. Approach**

- 2.1 DALP policy involves two approaches:
  - a) Providing reasonable assistance to the employee with an alcohol or substance misuse problem who is willing to co-operate in treatment for that problem.
  - b) Referring to and enforcing existing policy and procedure, where use of alcohol or drugs (other than on prescription) affects conduct, performance, behaviour or attendance at work, and where either (1) an alcohol or drug dependency problem does not exist or (2) where treatment/intervention has not succeeded, or is not possible.
- 2.2 DALP does not have the resources to provide or arrange treatment or other forms of specialist assistance. Such services are provided by GPs, hospitals and other agencies. Through this policy DALP will seek both to assist an employee in obtaining such specialist help through these channels and to protect their employment whilst they do so.

## **3. Assistance for an employee**

- 3.1 DALP will, where possible, provide the following assistance to an employee:
  - a) Helping the employee to recognise the nature of the problem, through referral to Occupational Health and/or a qualified diagnostic or counselling service.
  - b) Support during a period of treatment. This may include a period of sick leave or approved other leave, continuation in post or transfer to other work, depending upon what is appropriate in terms of the employee's condition and needs of DALP.
  - c) The opportunity to remain or return to work following the completion of a course of treatment, as far as is practicable, in either the employee's own post or an alternative post.
- 3.2 DALP's assistance will depend upon the following conditions being met:
  - a) The Occupational Health Service / DALP Approved Doctor diagnoses an alcohol or drug dependency related problem.

- b) The employee recognises and accepts that they are suffering from a dependency problem and is prepared to co-operate fully in referral and treatment from appropriate sources.

3.3 DALP and its employees must recognise the following limits to the assistance

DALP can provide:

- a) Where an employee fails to co-operate in referral or treatment arrangements, no special assistance will be given and any failure in work performance and behaviour will be dealt with through the relevant Capability, Sickness Absence Management or Disciplinary Policy/Procedure.
- b) If the process of referral and treatment is completed but is not successful, and failure in work performance, conduct or behaviour, or attendance at work occurs, these will be dealt with through the relevant Capability, Sickness Absence Management or Disciplinary Policy/Procedure.
- c) An employee's continuation in their post or in an alternative post during, or after treatment, will depend upon the needs of DALP at that time.

## 4. Disciplinary Action

4.1 In line with DALP'S disciplinary rules, the following will be regarded as serious misconduct under the Disciplinary Policy:

- a) Attending work and/or carrying out duties under the influence of alcohol or drugs.
- b) Consumption of alcohol or drugs whilst on duty (other than where prescribed or approval has been given).

4.2 Breach of these rules will be dealt with via the Disciplinary Policy and will usually result in summary dismissal, and only in exceptional cases will either notice or the reduced disciplinary action of a final written warning be applied.

Where a breach of these rules occurs, but it is established that an alcohol or drug abuse related problem exists, and the employee is willing to co-operate in referral to an appropriate service and subsequent treatment, DALP may suspend application of the Disciplinary Policy and provide assistance as described in section 3 above. If employees do not comply with the treatment suggested or continue to misuse alcohol, drugs or substances, the suspension will no longer apply and individuals will continue to be subject to the application of the Disciplinary Policy.

## 5. Procedures

5.1.1 The procedures define management responsibilities and provide guidelines on

- a) where assistance to an employee should be provided and the nature of and limits to such assistance
- b) the application of DALP's Disciplinary, Capability, and Sickness Absence Management Policies and Procedures

5.2 Alcohol or drug abuse related problems can come to the notice of management through:

- a) Failures in work performance, conduct, attendance or behaviour necessitating use of the appropriate Capability Policy, Disciplinary Policy, or Sickness Absence Management Procedure.
- b) Other means, where an employee seeks or agrees to accept assistance on a voluntary basis.

5.3 Through the Occupational Health Service / Approved DALP Doctor, DALP will provide advice and support to managers on:

- a) whether an alcohol or drug related problem exists
- b) progress of treatment
- c) re-establishment or continuation at work of an employee or on other appropriate arrangements.
- d) assistance to employees with alcohol or drug abuse related problems

5.4 This advice and support does not include directly providing treatment or specialist help which is the responsibility of GPs, hospitals and other agencies working in the field. The Occupational Health Service / DALP Approved Doctor, in close liaison with these persons and agencies, will assist employees referred in the following ways:

- a) through counselling encourage them to come to a better understanding of their problem and the benefits of seeking treatment or help;
- b) providing advice and direction regarding obtaining treatment and specialist help;
- c) assisting in continuing at work, or achieving a return to work.

## **6. Recognition of the existence of a possible alcohol or drug abuse problem.**

- 6.1 Abuse of alcohol or drugs can affect performance and behaviour at work, i.e. either through serious misconduct at work, (where there is a direct and demonstrable breach of the disciplinary rules regarding alcohol or drug abuse at work), or where there is a falling off of standards of work performance or behaviour or attendance, and abuse of alcohol or drugs is a possible cause.
- 6.2 The immediate line manager will be responsible for responding to such situations, carrying out either informal or formal meetings in line with other DALP Policies and Procedures such as Capability, Disciplinary, Sickness Absence Management Procedure, supported as appropriate.
- 6.3 In such meetings the possible existence of an alcohol or drug abuse problem should be explored. The line manager is not required to diagnose the existence of an alcohol or drug abuse problem, merely to assess whether such abuse is a possible factor.

## **7. Diagnosing the existence of an alcohol or drug abuse problem.**

- 7.1 Should the meetings lead to the conclusion that an alcohol or drug abuse problem might exist and the employee accepts referral, the manager should refer the matter to the Occupational Health / DALP Approved Doctor, who will be responsible for establishing whether or not a diagnosis of alcoholism or drug dependence can be made.
- 7.2 Formal action should be suspended until diagnostic advice is obtained. Where appropriate, suspension arrangements in the Disciplinary Procedure should be followed.

- 7.3 If the meeting fails to lead to the conclusion that an alcohol or drug abuse problem exists, or the employee rejects, or fails to co-operate in referral, formal action should be continued, in line with procedure and where and as the situation justifies.

## **8. Confirmation that an alcohol, drug/substance problem exists and treatment arrangements.**

- 8.1 If a positive diagnosis of an alcohol or drug abuse problem is made, and the employee agrees to co-operate in treatment, treatment arrangements should commence.
- 8.2 Where necessary, the Occupational Health Service / DALP Approved Doctor will advise the employee regarding treatment and will be responsible for monitoring progress with treatment and advising the manager concerned. This advice should be available regularly following commencement of treatment and thereafter as appropriate. (Formal action should be suspended unless the employee fails to co-operate with the treatment arranged.) Should a diagnosis of alcoholism or drug dependence not be confirmed or should the employee refuse to co-operate in treatment, formal action should be continued
- 8.3 The Occupational Health Service / DALP Approved Doctor will advise on whether a situation has been reached where there is a lack of progress with treatment or lack of co-operation by the employee. Managers must review the facts and consider whether or not there needs to be a return to the use of formal procedures.
- 8.4 Where the employee successfully completes treatment, the formal procedures should be resumed, taking into account the time taken to complete treatment, the treatment itself and the subsequent steps taken towards improvement when concluding an outcome e.g. attendance or performance targets should reflect sufficient time to see change and improvement after treatment.
- 8.5 Where medical certificates are submitted, sick leave will be given. Should the employee continue to be fit for work during the period of treatment, he/she should be permitted to continue in his/her post or alternative work unless such an arrangement would have an adverse effect on DALP services. In such circumstances, annual or unpaid leave should be approved or, exceptionally, suspension arranged.
- 8.6 If an employee has been off work during the period of treatment, before returning to duty, he/she will be seen by the Occupational Health Service / DALP Approved Doctor who will advise management regarding capability for continuation in his/her own post and whether any special supervision or other arrangements are required.
- 8.7 Every effort should be made to comply with the advice provided by the Occupational Health Service / DALP Approved Doctor. If it is not reasonably practicable to do so, and as a result, the employee is not able to resume duty, employment may be terminated in line with the Attendance Management Procedure on the grounds of incapacity (ill health).
- 8.8 If an employee is again involved in performance, conduct, attendance or disciplinary situations resulting from alcohol or drug abuse related problems, a second referral to the Occupational Health Service / DALP Approved Doctor and temporary suspension of the formal procedures may be appropriate. If they advise positively on the possibilities of further treatment or help and the willingness of the employee to co-operate, the formal procedure may be suspended again to permit treatment and help to be undertaken. This second referral will not apply if the further problems are of a serious misconduct. Third and subsequent referrals are not permissible.

## **9. Situations where formal procedures are not invoked**

- 9.1 There may be situations where the possible existence of alcohol or drug abuse problems affecting an employee comes to a manager's attention, although there is, or has been, no discernible effect on work performance, attendance or behaviour. This could arise if an employee confides in their manager about an alcohol or drug abuse problem, or if a manager sees a need to approach a employee after observing possible 'indicators' of an alcohol or drug abuse problem e.g. information provided by the employees colleagues, relatives etc.
- 9.2 In such situations, DALP would wish an employee to feel they could seek help from their employer (in complete confidence) without worry that their job security would be in jeopardy. Accordingly if managers should be faced with a situation of this type they should:
- discuss the situation with the employee and, if appropriate, arrange for the employee to be seen by the Occupational Health Service / DALP Approved Doctor.
- 9.3 As in the procedure described in section 9 above, the Occupational Health Service / DALP Approved Doctor will play a facilitating role - seeking to establish whether a problem exists, advising and directing the employee towards appropriate forms of treatment and help.
- 9.4 These steps cannot be taken without the co-operation of the employee. If the employee does not wish to co-operate, no further action should be taken.
- 9.5 Should a employee take up the opportunity of assistance on this voluntary basis there need be no further formal involvement of management in terms of action or the right to learn of progress with treatment. It may be however that the employee would wish, or agree to, further involvement of management as a means of assisting progress with treatment.
- 9.6 Use of the formal disciplinary (or other) procedures and/or the application of the approaches described above would only be appropriate if subsequently, the employee is involved in a breach of disciplinary rules.
- 9.7 Should the problems of the employee develop to an extent that their continuation in post becomes impossible, DALP would deal with this in line with the Sickness Absence Management Procedure and as such, if adjustments cannot be made or alternative work identified, then it may be necessary to review the situation, which could lead to the termination of employment, on the same basis as DALP operates the procedure for all employees with problems of incapacity due to ill health.

## **10. Review of the Policy**

This policy is reviewed annually by the Trust we will monitor the application and outcomes of this policy to ensure it is working effectively.